

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Elijah Laman Mercer, Jr.

Docket No. 4:14-CR-77-1BO

Petition for Action on Supervised Release

COMES NOW Dewayne L. Smith, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Elijah Laman Mercer, Jr., who, upon an earlier plea of guilty to Distribution of a Quantity of Cocaine Base (Crack), in violation of 21 U.S.C. § 841(a)(1) and 21 U.S.C. § 841(b)(1)(C), was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on July 14, 2015, to the custody of the Bureau of Prisons for a term of one year and a day. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years.

Elijah Laman Mercer, Jr. was released from custody on June 25, 2017, at which time the term of supervised release commenced. On August 17, 2017, this case was reassigned to the Honorable Terrence W. Boyle, U.S. District Judge.

On August 21, 2017, a Drops Sanction Report to the Court was submitted advising that Mercer tested positive for cocaine on July 17, 2017. The defendant was enrolled in outpatient substance abuse treatment, and he was required to complete a 2-day jail sanction. On December 13, 2017, a Petition for Action was submitted advising that the defendant was arrested and charged in Edgecombe County, North Carolina, with Misdemeanor Assault on a Female, Misdemeanor Assault with a Deadly Weapon, and Misdemeanor Assault with a Deadly Weapon (17CR52983). These charges were issued following a domestic dispute with his ex-girlfriend, Kaasza Anderson, and Mercer denied committing these offenses. In response to these charges, the court ordered that the defendant obtain an anger management assessment and participate in treatment as recommended. It is noted that the defendant was found not guilty on February 15, 2018. On January 17, 2018, a Drops Sanction Report to the Court was submitted advising that Mercer tested positive for cocaine on December 12, 2017. A request was sent to the Bureau of Prisons requesting a 5-day jail sanction. On February 16, 2018, a Drops Sanction Report to the Court was submitted advising that the defendant tested positive for cocaine on January 23, 2018, and a ten day sanction request was submitted to the Bureau of Prisons.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On March 17, 2017, the defendant was charged in Edgecombe County, North Carolina, with Driving While Impaired (18CR50599). Although this charge remains pending, Mercer admitted guilt. The defendant blew a .09 on the Breathalyzer after being stopped by Officer C. Liv with the Rocky Mount Police Department. As a sanction for this violation, the probation office is recommending that he be placed on 90 days curfew with electronic monitoring. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 90 consecutive days. The defendant is restricted to their residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Dewayne L. Smith
Dewayne L. Smith
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: 252-830-2338
Executed On: March 26, 2018

ORDER OF THE COURT

Considered and ordered this 27 day of March, 2018, and ordered filed and
made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge